

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CURTIS L. DOWNING,

V.

CHARLES DANIELS, et al.,

Plaintiff,

Case No. 2:22-cv-01317-APG-DJA

ORDER

Defendants.

8 Plaintiff Curtis L. Downing, who is incarcerated in the custody of the Nevada
9 Department of Corrections (NDOC), initiated this case with a civil rights complaint under 42
10 U.S.C. § 1983 and an application to proceed in forma pauperis. ECF Nos 1, 1-1. Downing has
11 now filed a motion for voluntary dismissal. ECF No. 3.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). This case has been at a prescreening stage, and the complaint has not yet been served on the defendants. Because no responsive pleading has been filed, I grant Downing’s motion to voluntarily dismiss this action.

17 I therefore order that the motion for voluntary dismissal (**ECF No. 3**) is granted. This
18 action is dismissed without prejudice.

19 I further order that Downing's application to proceed *in forma pauperis* (ECF No. 1) is
20 denied as moot.

21 I further order the Clerk of the Court to close this case.

Dated: March 20, 2023


U.S. District Judge